

REMARKS

This is in response to the Office Action dated February 11, 2008. With this Amendment, claims 1 and 7 are amended. All amendments and new claims are supported by the specification and drawings. No new matter is added. Claims 1-20 are pending in this application. In light of the foregoing amendments and following remarks, Applicant respectfully requests advancement of this application to allowance.

REJECTIONS UNDER 35 U.S.C. § 102

I. The List Reference (Claims 1-18)

In the Office Action claims 1-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by List (U.S. Patent No. 7,223,276). Applicant respectfully traverses the rejection and the correctness of the rejection is not conceded. However, in an effort to advance this application to allowance, claims 1 and 7 are amended. The amendments are supported by the specification and drawings, such as in FIG. 13. As described below, List fails to disclose all elements of claims 1 and 7.

A. Claim 1

Claim 1 recites in part a lancing device “comprising first and second closed and concentric rings.” The original specification and drawings support the amendments, such as in FIG. 13.

List describes a spring that “is formed as a spiral spring.” Col. 8, lines 18-21. The spring is illustrated in FIG. 6. The Office Action asserts that a single turn of List’s spring is a ring. Even if a single turn of List’s spring is considered a ring, a single turn is not a closed and concentric ring, as recited in claim 1. Therefore, List does not describe each element of claim 1. Applicant respectfully requests reconsideration and allowance of claim 1.

Additionally, Applicant does not concede the definition of the word “spring” as noted in the Office Action from “Dictionary.com.”

B. Claim 7

Claim 7 recites in part a lancing device comprising “(i) a closed inner ring, (ii) a closed middle ring concentrically configured around said inner ring, [and] (iii) a closed outer ring concentrically configured around said middle ring”

As noted above, List describes a spiral spring that does not include a closed ring. As a result, List does not describe all elements of claim 7, such as “a closed inner ring,” “a closed middle ring,” and “a closed outer ring.” Applicant respectfully requests reconsideration and allowance of claim 7.

C. Dependent Claims

Dependent claims 2-6 and 8-18 ultimately depend from claims 1 and 7, respectively, and are allowable for at least the reasons discussed above. Reconsideration and allowance are respectfully requested.

II. The Thorne Reference (Claims 1-6)

In the Office Action, claims 1-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by Thorne (U.S. Patent No. 5,951,582). Applicant respectfully traverses the rejection and the correctness of the rejection is not conceded. However, in an effort to advance this application to allowance, claim 1 is amended. The amendments are supported by the specification and drawings, such as in FIG. 13. As described below, Thorne fails to disclose all elements of claim 1.

A. Claim 1

Claim 1 recites in part a lancing device “comprising first and second closed and concentric rings.”

Thorne describes a spring 140 including a coil 144, as shown in FIG. 7. Col. 6, lines 52-54. The Office Action again asserts that a single turn of Thorne’s spring is a ring (“in the same manner as enumerated above with respect to List,” Office Action page 3). As discussed above, however, even if a single turn of Thorne’s spring is considered a ring, a single turn is not a closed ring, as recited in claim 1. Therefore, Thorne does not describe each element of claim 1. Applicant respectfully requests reconsideration and allowance of claim 1.

B. Dependent Claims

Dependent claims 2-6 ultimately depend from claim 1 and are allowable for at least the reasons discussed above. Reconsideration and allowance are respectfully requested.

ALLOWABLE SUBJECT MATTER

The Office Action indicates that claims 19 and 20 would be allowable if rewritten in independent form. However, as discussed above, claims 19 and 20 ultimately depend from claim 7 and are therefore allowable in their present form. Applicant respectfully requests allowance of claims 19 and 20.

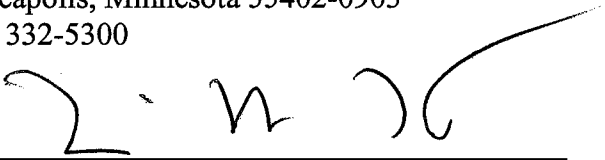
CONCLUSION

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. There may be additional reasons that the pending subject matter is patentably distinct from the cited references in addition to those discussed herein. Applicant reserves the right to raise any such arguments in the future. If the Examiner believes that a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: May 12, 2008



Brian H. Batzli
Reg. No. 32,960
BHB/BAT:ae